

### REMARKS

The above amendments and following remarks are submitted in response to the Official Action of the Examiner mailed September 9, 2004. Having addressed all objections and grounds of rejection, originally presented claims 1-20, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

The Examiner has requested that the status of the cross-referenced applications within the specification be updated. These amendments have been provided above.

For whatever reason, the Examiner prefers the spelling of "publicly" to the accepted and alternative spelling, "publically". In response thereto, the claims have been amended above to utilize the Examiner's preferred spelling.

Claims 5, 10, 15, and 20 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for use of the term "MAPPER". This ground of rejection is respectfully traversed as to claim 5 which utilizes the term, "Classic MAPPER". Not only is this term defined and discussed at length in Applicants' specification, it is also defined and discussed at length in the prior art of record (see for example, U.S. Patent No. 6,446,117, column 2, line 9, through column 3, line 2). In response to this rejection, claims 10, 15, and 19 have been amended to utilize the term, "Classic MAPPER".

Claims 1-4, 6-9, 11-14, and 16-19 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,434,619, issued to Lim et al (hereinafter referred to as "Lim"). This ground of rejection is respectfully traversed for the following reasons.

The process for finding anticipation during the examination process is specified by MPEP 2131 which provides in part:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The rejection is respectfully traversed because Lim does not expressly or inherently describe "each and every element as set forth in the claim".

The essence of the present invention requires a user terminal coupled to a data base management system via a publically accessible digital data communication network having a customized user interface module which is itself coupled to the user terminal via the publically accessible digital data communication network. The other disclosed and claimed structural elements and advantages of the invention derive from this basic system configuration.

To most simply illustrate the distinction between this configuration and Lim, the Examiner's attention is respectfully directed to a comparison of Figs. 26a and 26b of Applicants' disclosure and Fig. 2 of Lim. In the embodiments of Figs. 26a and 26b, Applicants clearly show that User Terminal 836 is coupled to User Interface Module 842 via Internet 840. This is in direct contrast to Fig. 2 of Lim wherein the Customer End-User Browsers are located within the User Terminals (see also Fig. 4). In other words, Applicants require that the User Interface Module be coupled to the User Terminal via the publically accessible digital data communication network, whereas Lim requires the Customer End-User Browser to be located within the User Terminal.

Specifically, with regard to the rejection of claim 1, the Examiner states:

As per claim 1-2, Lim teaches ....the system comprising a user interface module coupled to said user terminal [customer end-user browsers, Fig.1] via said publicly accessible digital data communication network [www, Fig. 2].....

This finding is clearly erroneous. The most reasonable inference from Fig. 2 of Lim is that the "Customer End-User Browsers" of Lim's Fig. 2 are co-located with the user terminals.

Furthermore, should the Examiner attempt to read the "User Terminal" limitation onto any of the other elements of Fig. 2,, the designated "User Terminal" could not be coupled to the data base management system via the publically accessible digital data

communication network as is limiting of Applicants' claim 1. The only coupling over the "www" of Fig. 2 of Lim is between the "Customer End-User Browsers" and everything else.

Therefore, the rejection of claim 1, and all claims depending therefrom, is respectfully traversed as based upon clearly erroneous findings of fact.

Claim 2 depends from claim 1 and further limits the "publicly accessible digital data communication network". Because Lim does not meet the limitations of claim 1, it cannot meet the further limitations of claim 2. The rejection of claim 2 is respectfully traversed.

Claim 3 depends from claim 2 and further limits the software architecture of the "User Terminal". Lim says nothing of software architecture and certainly shows nothing of software architecture in Fig. 2. The rejection of claim 3 is respectfully traversed as based upon clearly erroneous findings of fact.

Claim 4 depends from claim 3 and further requires that the "application" and the "user interface module" are located within a single server. A brief glance at Fig. 2 shows that Lim cannot meet this limitation. In accordance with Fig. 2, "Customer End-User Browsers", which the Examiner has found to correspond to the claimed "User Interface Module" is coupled via the "www" to "CSM Service Director", which the Examiner has found to correspond to the claimed "application". Therefore, Lim cannot meet the

limitations of claim 4. The rejection of claim 4 is respectfully traversed.

In rejecting claims 6-9, the Examiner clearly erroneously states:

As per claims 6-9, since (sic) they are apparatus claims of claims 1-4, they are rejected for the same basis as claims 1-4 above.

Claims 1-4 and 6-9 are not of the same scope. For example, claim 6 is limited by "an application responsively coupled to said user interface module via said data base management system". This limitation is simply not found in claims 1-4. Therefore, in addition to the clearly erroneous findings of fact with regard to the rejection of claims 1-4, the rejection of claims 6-9 is respectfully traversed as incomplete as a matter of controlling law.

In rejecting claims 11-14, the Examiner clearly erroneously states:

As per claims 11-14, since (sic) they are method claims of claims 1-4, they are rejected for (sic) the same basis as claims 1-4 above.

Claim 11, for example, is a method claim having four steps. Lim has none of these four steps. Furthermore, the Examiner has refused to even examine this claim in opposition to controlling law. For example, claim 11 requires transfer of a "service request", receiving the "service request", storing the "service request", and retrieving the "service request". Not only has Lim

or the Examiner ever mentioned any of these steps, the Examiner has not even mentioned a "service request". In addition to the clearly erroneous findings of fact identified above, the rejection of claims 11-14 is respectfully traversed as being incomplete as a matter of law.

In rejecting claims 16-19, the Examiner again fails to apply controlling law. Failing to acknowledge the difference in statutory basis and the examination procedures mandated by MPEP 2181 et seq., the Examiner states:

AS per claims 16-19, since (sic) they are means plus function claims of claims 1-4, they are rejected for (sic) the same basis as claims 1-4 above.

In addition to the clearly erroneous findings of fact explained above, this ground of rejection is clearly incorrect as a matter of law. Furthermore, Lim does not appear to have the claimed "offering means" or "processing means". Similarly, claims 1-4 do not have the limitations of claim 19 as specifically admitted by the Examiner in paragraph 15 stating:

Lim does not specifically teach the data base management system is Classic MAPPER.

The rejection of claims 16-19 is respectfully traversed as based upon clearly erroneous findings of fact and incorrect/inadequate application of controlling law.

Claims 5, 10, 15, and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Lim in view of U.S. Patent No. 6,446,117, issued to Gebauer (hereinafter referred to as

"Gebauer"). This rejection is respectfully traversed for failure of the Examiner to present a *prima facie* case of obviousness as specified by MPEP 2143.

In making an obviousness rejection, the Examiner has the burden of making showings of: 1) motivation; 2) reasonable likelihood of success; and 3) all claim limitations. The Examiner has not even mentioned his obligation to make the second showing or the clear teachings of Gebauer which teach against the alleged combination.

Furthermore, with regard to motivation, the Examiner states:

However, Gebauer on the other hand teaches a data base management system is (sic) Classic MAPPER. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Lim and Gebauer because utilizing Gebauer's classic MAPPER in aaa's (sic) system would improve the functionality by allowing user generating various reports [Gebauer, col 2, lines 27-30]. One of ordinary skill in the art would have been motivated to modify Lim's system with Gebauer's classic MAPPER to improve the functionality of the system.

The argument is completely circuitous. The Examiner says that one would be motivated to add functions to Lim, because in doing so, it would add functions to Lim. This is precisely the unsupported conclusion attacked by the Court of Appeals for the Federal Circuit stating in part:

Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence". *In re Dembiczak*, 175 F.3d 994, 50 U.S.P.Q. 2d 1614 (Fed. Cir. 1999).

Therefore, the rejection of claims 5, 10, 15, and 20 is respectfully traversed for failure of the Examiner to make a *prima facie* case of obviousness.

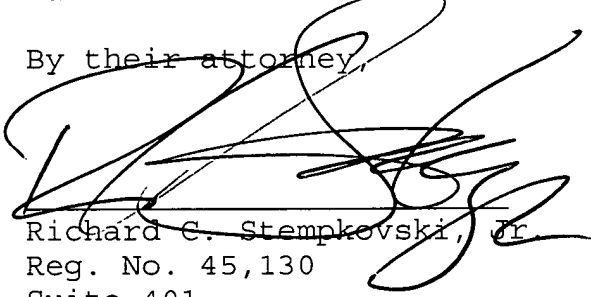
Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-20, being the only pending claims.

Respectfully submitted,

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By their attorney,

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